

**MINUTES OF THE COMMON COUNCIL  
WORK SESSION  
April 15, 2014  
Exhibit Hall – Rouss City Hall**

**PRESENT:** President John Willingham; Councilor Jeff Buettner, Evan Clark, John Hill, and John Tagnesi; Mayor Elizabeth Minor; Vice-Mayor Les Veach (7)

**ABSENT:** Vice-President Milt McInturff (1)

President Willingham called the meeting to order at 6:00 p.m.

**2.0 Public Comments:** (Each person will be allowed 3 minutes to address Council with a maximum of 10 minutes allowed for everyone)

Sam Leinbach of 317 Fairmont Avenue spoke against building the new John Kerr Elementary School on Meadow Avenue due to the vicinity of the hospital and the dangers of the heavier traffic and what could happen in the event of a hazardous spill. He stated none of these issues exist at the current location.

*President Willingham asked if there was anyone else wishing to address Council. Seeing none, he closed the public comments at 6:02 p.m.*

**3.0 Items for Discussion:**

**3.1 Presentation:** FY15 Proposed Budget Options

City Manager Dale Iman presented the additional option to increase the meals tax to 1% instead of 0.5% and the impacts on the proposed budget. This increase brings the total revenue to \$78,925,000. With the increase, expenditures will include a 3% pay increase for employees instead of a 2% increase. The Schools budget will also increase by \$377,400 which is the amount for an additional 1% increase in pay for employees. The city is also increasing \$12,479 into reclassifications for the police department, \$26,500 in equipment for an additional police vehicle, and 3% pay increase for employees of the Juvenile Detention Center.

**3.2 R-2014-15:** Resolution – Approval of a refund in the amount of \$70,691.37 to Melco, Inc. for erroneously assessed Real Estate Taxes

Commissioner of the Revenue Ann Burkholder presented the request to refund real estate taxes to Melco, Inc. in the amount of \$70,691.37 for tax years 2010-2013.

Vice-Mayor Veach moved to forward R-2014-15 to Council. *The motion was seconded by Mayor Minor then approved 7/o.*

**3.3 R-2014-16:** Resolution – Approval to execute grant and cooperative agreements with the Federal Transit Administration on behalf of the Winchester Transit

Utilities Director Perry Eisenach presented the request to accept funding from the Federal and State Transit Assistance programs.

Vice-Mayor Veach moved to forward R-2014-16 and R-2014-17 to Council. *The motion was seconded by Councilor Tagnesi then approved 7/o.*

**3.4 R-2014-17:** Resolution – Approval to execute and file an application to the Virginia Department of Rail and Public Transportation for a grant of financial assistance

*See action taken in item above.*

**3.5 O-2013-40:** AN ORDINANCE TO AMEND AND RE-ENACT CHAPTER 9 OF THE WINCHESTER CITY CODE PERTAINING TO WATER PROTECTION (*Implementation of applicable provisions of the Virginia Stormwater Management Plan*)

Mr. Eisenach presented the ordinance to implement the provisions for the Virginia Stormwater Management Plan. This ordinance changes the Winchester City Code to be in compliant with the Code of Virginia.

Vice-Mayor Veach moved to forward O-2013-40 to Council. *The motion was seconded by Mayor Minor then approved 7/o.*

**3.6 O-2014-06:** AN ORDINANCE TO AMEND CHAPTER 29, “UTILITIES”, OF THE WINCHESTER CITY CODE BY ADDING A NEW ARTICLE ENTITLED “ARTICLE IV – STORMWATER UTILITY

Mr. Eisenach presented the ordinance to create a stormwater utility to cover the regulations that will have to be met in the future and the capital improvements projects needed. He stated if Council moves forward with this, there will still be a lot of details that need to be worked out and approved by Council. He asked Council for direction.

Vice-Mayor Veach stated he is not sure this is the right year to do this. He understands the mandates but it is not the right year.

Mayor Minor stated she agrees with Vice-Mayor Veach.

Councilor Clark stated he agrees another new tax is not what is needed at this time. He would like to see this body look at some of the details in the ordinance such as permeated parking lots, rain barrels, and other roof top run off ideas. He suggested incentivizing the citizens to take steps without taxing them.

President Willingham agrees the City should look at the planning and zoning code to look at some of these things and opportunities to facilitate change with existing places. He stated there is a lot of good to take from this but asked how to implement it without a tax. He reminded Council that doing nothing tonight would be the direction not to create a stormwater utility fund.

**3.7 O-2014-11: AN ORDINANCE TO AMEND CHAPTER 11 OF THE WINCHESTER CITY CODE BY ADDING A NEW SECTION, 11-24.1, THAT ESTABLISHES A FEE FOR GARBAGE AND REFUSE COLLECTION**

Mr. Eisenach presented the ordinance to implement a garbage collection fee. He stated there are two primary options to implement the fee. A flat rate fee of \$5 has been discussed and would be charged to every customer the City picks up from. The other option is to sell decals for a certain size container or individual stickers for bags of trash. Staff recommends a flat rate fee that would be put on the utility bills with the same penalties for not paying on time. The only time a fee would not be charged is if the water is turned off.

Vice-Mayor Veach stated option A would be easier to administer for City Hall and the residents. He asked if residents who take their trash to the landfill will be charged. Mr. Eisenach stated they would as people will not be able to opt out of the fee.

Mayor Minor asked if there will still be a limit to the amount of cans that can be put out. Mr. Eisenach stated it will still be limited to 3 containers.

Councilor Clark moved to forward O-2014-11 to Council with option A. *The motion was seconded by Councilor Buettner then approved 7/0.*

**3.8 O-2014-08: AN ORDINANCE TO AUTHORIZE THE ACQUISITION OF PROPERTIES NECESSARY FOR THE REALIGNMENT OF NATIONAL AVENUE GATEWAY IMPROVEMENT PROJECT BY MEANS INCLUDING BUT NOT LIMITED TO CONDEMNATION AND ACCEPTANCE BY THE CITY OF SAID PROPERTY (Tabled at April 8, 2014 Regular Meeting)**

Mr. Iman presented a pamphlet for the African American Heritage Tour. He stated the reason why this ordinance was tabled last week was so staff could look into the history of the property. This property was occupied from 1936 to the mid 1950's by Dr. Finley, a prominent African-American in the Winchester. The building is in disrepair and does not have any significant historic value. He

suggested installing a meandering trail through the area with interpretive signage to point out historical items listed on the tour.

Councilor Hill thanked staff for the research performed and for discussing this option with him. He spoke with Donald Finley who was quite moved that his grandfather would receive this recognition. Mr. Hill stated other citizens felt the same.

Councilor Clark stated Dr. Finley contributed a lot to the community with the recreation center and the work at the Douglas School. The recognition of Mr. Finley and his contributions is important.

President Willingham stated the question this raises is do we do more of this throughout the city. Mr. Iman stated the City is also doing interpretive markers at the Taylor Hotel similar to this. The City is required to put up 3 markers at the Taylor and each sign can cost up to \$5,000 each. Mr. Willingham suggested having the community pay for some of it. Mr. Iman stated that could be done. Mr. Iman also informed Council that the State does want to mark the birthplace of Ms. Mary Greenhow Lee.

#### **4.0 Liaison Reports**

No reports were given.

#### **5.0 Executive Session**

- 5.1** MOTION TO CONVENE IN EXECUTIVE SESSION PURSUANT TO SECTION 2.2-3711(A)(7) OF THE CODE OF VIRGINIA FOR THE PURPOSE OF RECEIVING LEGAL ADVICE AND STATUS UPDATE FROM THE CITY ATTORNEY AND LEGAL CONSULTATION REGARDING THE SUBJECT OF SPECIFIC LEGAL MATTERS REQUIRING THE PROVISION OF LEGAL ADVICE BY THE CITY ATTORNEY AND MATTERS OF ACTUAL OR PROBABLE LITIGATION AND PURSUANT TO §2.2-3711(A) (1) OF THE CODE OF VIRGINIA FOR THE PURPOSE OF DISCUSSION AND CONSIDERATION OF INFORMATION REGARDING THE SUBJECT OF THE EMPLOYMENT, ASSIGNMENT, APPOINTMENT, AND PERFORMANCE OF SPECIFIC PUBLIC OFFICERS APPOINTEES, AND EMPLOYEES OF THE CITY OF WINCHESTER INCLUDING THE APPOINTMENT OF OR PROSPECTIVE APPOINTMENT OF MEMBERS TO CERTAIN BOARDS AND COMMISSIONS AND PURSUANT TO §2.2-3711(A)(3) AND (6) FOR THE PURPOSE OF DISCUSSION OR CONSIDERATION OF THE SUBJECT OF THE ACQUISITION OF AN INTEREST IN REAL PROPERTY AND FOR THE PURPOSE OF DISCUSSION OF THE SUBJECT OF INVESTMENT OF PUBLIC FUNDS WHERE BARGAINING IS INVOLVED, AND WHERE IF MADE PUBLIC, THE BARGAINING POSITION OR FINANCIAL INTEREST OF THE CITY WOULD BE ADVERSELY AFFECTED AND PURSUANT TO §2.2-3711(a) (29) FOR THE PURPOSE OF DISCUSSION OF THE AWARD OF A PUBLIC

CONTRACT INVOLVING THE EXPENDITURE OF PUBLIC FUNDS, INCLUDING INTERVIEWS OF BIDDERS OR OFFERORS, AND DISCUSSION OF THE TERMS AND SCOPE OF SUCH CONTRACT, WHERE DISCUSSION IN AN OPEN SESSION WOULD ADVERSELY AFFECT THE BARGAINING POSITION OR NEGOTIATING STRATEGY OF THE CITY AND PURSUANT TO §2.2-3711(A)(40) FOR THE PURPOSE OF DISCUSSION OF RECORDS EXCLUDED FROM CHAPTER 37 OF TITLE 2.2 OF THE CODE OF VIRGINIA PURSUANT TO SUBDIVISION 3 of § 2.2-3705.6

Vice Mayor Veach moved to convene into executive session at 6:55 p.m. *The motion was seconded by Councilor Tagnesi and approved 7/o.*

Vice-Mayor Veach moved to reconvene in open session at 7:16 p.m. *The motion was seconded by Councilor Tagnesi then approved 7/o.*

Upon returning, each member certified that only public business matters lawfully exempted from open meeting requirements of the Virginia Freedom of Information Act were discussed during the closed meeting, and that only those public business matters identified in the motion which convened the closed meeting were heard, discussed, or considered during the closed meeting.

*A roll call vote was taken, the ayes and nays being recorded as shown below:*

<b><u>MEMBER</u></b>	<b><u>VOTE</u></b>
Councilor Buettner	Aye
Councilor Clark	Aye
Councilor Hill	Aye
Vice-President McInturff	Absent
Mayor Minor	Aye
Councilor Tagnesi	Aye
Vice-Mayor Veach	Aye
President Willingham	Aye

## **6.0 Monthly Reports**

**6.1** Police Department

**6.2** Fire Department

## **7.0 Adjourn**

Councilor Clark moved to adjourn the meeting at 7:17 p.m. *The motion was seconded by Councilor Tagnesi then approved 7/o.*